

## **INSTRUCTIONS FOR FILING A PETITION FOR CITATION OF CONTEMPT FOR FAILURE TO OBEY A COURT ORDER**

**YOU CAN USE THIS PACKET IF** you have a Court Order from Cobb Superior Court:

- ⇒ which orders child support to be paid to you and you have not received that support **OR**
- ⇒ which orders visitation and the other party has not permitted you to exercise that visitation **OR**
- ⇒ which orders the other party to perform some act, such as maintain medical insurance or turn over certain property and the other party has not done so.

If your ex-spouse no longer lives in Georgia, you will need to consult with an attorney on where jurisdiction is proper, and how to serve your ex-spouse.

If you have an order from a jurisdiction other than Cobb County, you will need to consult with an attorney as to where jurisdiction is proper, and how to serve your ex-spouse with your action.

Jurisdiction tells the court where the case should be heard. If the case is filed in the wrong jurisdiction, it may be dismissed and you will have to start over. It is important to always determine the correct jurisdiction and venue before you file your case. If you are unsure, contact an attorney for advice.

**STEP 1:** Fill out the Petition for Citation of Contempt

**STEP 2:** Fill out the Verification Form

**STEP 3:** Request a Rule Nisi

**STEP 4:** Fill out the Sheriff's Entry of Service

**STEP 5:** Make a copy of the original Court order and attach it to the Petition for Citation of Contempt

**STEP 6:** Put your documents in order

**STEP 7:** Make two (2) copies of each of your documents

**STEP 8:** File the original documents with the Clerk of Court and pay filing fee and service fee in the Clerk's Office

**STEP 9:** Come to court on the date and time as indicated

### **HERE ARE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORMS:**

**STEP 1:** The Petition For Citation of Contempt

- A. You are the Plaintiff. Fill in your full name on the line above "Plaintiff", and on the line after "Comes now the Plaintiff".
- B. The Defendant is the person who has not obeyed the order. Fill in that person's full name on the line above "Defendant".

C. Leave the Civil Action File Number blank. The Clerk of Court will fill it in when you file the Petition.

D. In paragraph 1:

1. Fill in the county where your original order was entered.
2. Fill in the style of the case of your original order (ex. Jones vs. Jones).
3. Fill in the case number from the original order/case.
4. Fill in the date that the Judge signed the Order. (It should be on the last page of the Order above the Judge's signature).

E. In paragraph 2:

Place an "X" in the box that is true and fill in the blank.

F. In paragraph 3:

1. Place and "X" in all boxes that are true.
2. If you did not get items as ordered by the Court, list them on the lines provided. You may add additional lines if needed.
3. If you did not get medical insurance or have not been re-paid for medical costs in accordance with your Court order, then list those expenses.

G. Then place the date that you finish the form, sign your name, and then print your name, address and telephone number. Make sure your printing is clear.

**STEP 2:** The Verification form tells the Court that you swear, under oath, that what you wrote or put in the Petition is true and correct.

A. Print or type your full name next to the word "Plaintiff".

B. Print or type the full name of the person who is the opposing party next to the word Defendant.

C. Print or type your full name on the first line.

D. Where it says: This \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , fill in the date, month, and year where indicated.

E. Print or type your full name where indicated, and fill in your address and telephone number. **DO NOT SIGN THIS YET. YOU MUST SIGN IT ONLY IN FRONT OF A NOTARY PUBLIC.** You can find a Notary Public at banks, the post office and other places. They may charge a small fee for their services.

**STEP 3:** A Rule Nisi is another name for temporary hearing. This is what you would request if you want temporary relief until the judge makes a final ruling.

The Clerk of Court or the individual Judge's clerk will provide this form for you when you file your Petition.

**STEP 4:** Complete the Sheriff's Entry of Service. The sheriff uses this form when he/she serves a copy of these papers on the Defendant. You must fill out one of these.

A. Write your address under "Attorney's Address" on the left side.

B. Put the opposing side's full name and address under "Name and Address of Party to be served".

- C. On the right side, put your full name on the line above "Plaintiff" or "plaintiff".
- D. On the right side, put the opposing side's full name on the line above "Defendant" or "Defendant".

**STEP 5:** Make a copy of your original Order and attach it to your Petition For Citation of Contempt.

**STEP 6:** Put the papers together. Put them in this order, with the first ones on top and the rest behind.

Petition  
Copy of Original Court Order for Child Support  
Verification  
Rule Nisi

**STEP 7:** Make two (2) copies of all of these papers. Then attach a (*blue*) Summons to your original papers. Next, attach another (*blue*) Summons to one (1) of your copies along with the Sheriff's Entry of Service.

**STEP 8:**

- (a) File your original papers with the Clerk of Superior Court.

The Clerk's Office is located at:  
32 Waddell Street, 5<sup>th</sup> Floor  
Marietta, Georgia 30090  
Phone: 770-528-1300

Have the clerk fill in the case number and tell the clerk that you want a Rule Nisi hearing. Give the clerk the copy with the Sheriff's Entry of Service and Summons. Make sure that the clerk writes in the Civil Action Number on both your copies and inserts the Rule Nisi hearing information on your copies. You may have to pay a filing fee (\$80.00) and a service fee (\$25.00) in Cobb County. If you must do service in another county or state, you will need to contact that jurisdiction to determine their fees for service as they vary.

- (b) File your original papers with the Clerk of Court. Give the clerk the clerk the copy with the Sheriff's Entry of Service and Summons. Make sure that the clerk writes in the Civil Action Number on both your copies and inserts the Rule Nisi hearing information on your copies. You will have to pay a filing fee (\$80.00) and service fee (\$25.00). If you must do service in another county or state, you will need to contact that jurisdiction to determine their fees for service as they vary.

**STEP 9:**

Come to court on the date and time indicated on the Rule Nisi form for your hearing. You should go to the courtroom indicated on the Rule Nisi form and let the case manager know that you are there. Then wait for your case to be called by the judge. Bring with you any documentation or witnesses that prove your case.